Edinb. 28. April 1648. post meridiem.

THE Humble Representation OF THE COMMISSIONERS OF THE Generall Assembly, TO THE *HONORABLE ESTATES* OF PARLIAMENT; Upon their DECLARATION Lately communicated to Us.

Subscribitur, A. Ker.

LONDON,
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THE

Humble Repreſentation

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OF THE

General Aſſembly,

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Upon their

DECLARATION

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Edenb. 28. April 1643. *Post meridiem.*

The Humble REPRESENTATION of the COMMISSIONERS of the GENERAL ASSEMBLY.

SEeing your Lordships have been pleased, in your Answer to us the [illegible] of this moneth, to remit us to your Declaration to the Kingdom for satisfaction to our eight Desires formerly presented to your lordships, as likewise to our other desire concerning Applications to be made to the King as well as to the Parliament of *England*; And seeing your Lordships, in the same paper answering our desire, to be satisfied in the whole matter, were pleased again to remit us to the Declaration, as containing the grounds and resolutions of the Parliament on the whole matter. We have therefore taken to our serious consideration your Lordships Declaration to look after satisfactory Answers to these our Desires, and to be satisfied in the whole matter; but in stead thereof our fears and dissatisfactions are not a little increased by your Lordships Declaration.

We shall not search into some particulars in matter of fact mentioned in the Narrative part; neither shall we be curious after the reason why in so large a Declaration concerning publick dangers, causes and remedies there is no expression for preservation of Monarchical Government in his Majesties Person, as well as in his own person.

To the Preface we shall only say this much, that we could have wished

[illegible]

the abused people: If your Lordships meaning be, that the people are abused by the lyes and [illegible] of Malignants, how [illegible] so much favor and forbearance is granted to such men? If any others, then the Malignant party in the Kingdom, be meant, we should be glad they were made known.

In the first part of the Narrative concerning the necessity, occasion and consequence of the conjunction of both Kingdoms, we cannot but take notice of that which your Lordships say of those common enemies, by whose counsels and practices, the composing of differences in the beginning was hindred, and what evils this Kingdom might have expected, if these counsels and advices, which gave first life and motion to these dissentions, should have been still prevalent: We desire it may not be forgotten who were those common enemies, and whose councel it was that did prevail about his Majesty in the beginning of these troubles, and whether there ought not to be a jealous and watchful eye over any such, if even after their joyning in the Covenant they be found in a way of compliance with known Malignants, and in a way of opposition to such as have been most active and zealous in the Cause from the beginning.

Your Lordships add, that in pursuance of the Covenant this Kingdom joyned in Arms with their brethren of *England*, and did prosecute these ends till their common enemies were subdued and most of them brought to such condign punishment as the respective Parliaments thought fit. We shall here pass your Lordships omitting of the Treaty between the Kingdoms which may be thought to have had a new and immediate influence in reference to the conjunction of these Kingdoms in Arms, although the Covenant were the chief foundation thereof: But whereas your Lordships [illegible] that the Cloud of Malignancy was then sufficiently [illegible] that the Covenant was sufficiently performed in bringing Delinquents to such condign punishment as the respective Parliaments thought fit: We are sorry that we have cause to remember [illegible] favor and friendship have been granted to [illegible] the dangers from those common enemies past and [illegible] Malignancy upon the [illegible] springing up like roots of bitter-

nose to trouble, yea, to desire many in these Kingdoms! These are the hopes which you put in *Judah* and *Jerusalem* on both sides; The *Lord* prepare such Carpenters as may cut off both the one and the other.

As for the breaches of Covenant, which your Lordships insist upon in the following part of your then Narrative, we wish your Lordships to remember a passage in the Declaration of the General Assembly, and how cautiously they speak of the breach of Covenant in *England*; The words are these; *We would not be understood as if we meant either to justifie this Nation or to charge such a Sin upon all in that Nation; We know the Covenant hath been in divers particulars broken by many in both Kingdoms, (the Lord pardon it and accept a sacrifice) and we do not doubt but there are many seven thousands in England who have not only kept themselves unspotted, and retained their integrity in that business, &c.* That the Covenant hath been foully and shamefully broken by as many of the prevalent party of Sectaries and their adherents, as ever took the Covenant, is clear and undeniable; and by their means have come the resisting and hindering of Reformation, connivence at Heresie and Schism, and other things contrary to the Covenant. But it can as little be doubted of, that there are dangerous breaches of Covenant by Malignants both at home and abroad: And your Lordships know true zeal against breach of Covenant should strike equally on both hands, beginning to reform at home. Your Lordships say well that the not takers of the Covenant are by the joyne Declaration of both Kingdoms declared to be publick enemies to Religion and Country, and are to be punished as professed adversaries and Malignants: But we wish your Lordships may not forget to apply that passage of the said Declaration who have not to this day taken the Covenant in *England*, and that therefore they may be looked upon by Your Lordships as common enemies which ought to be suppressed and punished. The laying aside of the Covenant upon the new Propositions sent to his Majesty to the *Isle of Wight* we utterly disapprove and are heartily sorry for it; But we wish there had not been some guiltiness of the same kind at home, when it was carried in the Committee of Estates that there should be no mention of the Covenant in the publick Desires sent up in *August* last to his Majesty. And whereas Your Lordships do enum rate among these breaches of Covenant, that they who ought to be brought to tryal and condign punishment for hindering the Reformation of Religion, dividing the King from his people, or one of the Kingdoms from another, or making any faction or party among the people contrary to the *League*

 and

and *Covenant*, have been protected and assisted; we shall here only desire Your Lordships to remember that all this is true as well of Malignants as of Sectaries: And for our part (whatsoever liberty there be in the manner or circumstances) we do not doubt but the thing it self is necessary both by the Word of God and Solemn Covenant, *viz.* That Justice be done and condign punishments inflicted upon all hinderers of Reformation and Peace, and all who make factions contrary to the Covenant, whether they be Sectaries or Malignants: But if it was sufficient that the most part of the Malignants were brought to such condign punishment as the respective Parliaments thought fit, which your *Lordships* gave us a touch of in the precedent part of your Narrative, we leave it to *your Lordships* consideration whether you do not hereby furnish such a retortion to those that favor the Sectaries in *England*, as that they may plead from that principle in your *Lordships* Declaration, that the punishment of Sectaries is to be referred simply to the Parliament of *England* as they think fit, and that *your Lordships* must allow them the same latitude of favor towards the Sectaries, as before you have allowed both to your selves and them towards the Malignants. *Your Lordships* add, as another breach of Covenant, that in stead of a firm union and peace between the Kingdoms a breach hath been endeavored; which cannot be denyed to be a breach of Covenant, and therefore a rock to be the more carefully avoyded; It is our grief that there is also cause to complain of the Malignant party at home, as no less guilty of endeavoring a breach between the Kingdoms.

The attempts, injuries and violences of that party of Sectaries against his Majesties royal person, and the hard condition he is reduced unto by their means, we are very sensible of; And as we have often before professed, our prayers and endeavours, according to our place and calling, have not been, neither shall be wanting for the preservation of his Majesties person and authoritie, in the preservation of the true Religion and Liberties of the Kingdomes: And we leave it to be pondered by your *Lordships*, whether they that obstruct and hinder the requiring of satisfaction and securitie from his Majestie in point of Religion, before his restitution to the exercise of his Royall Power, do not upon the matter, and by consequence obstruct, and hinder his Majesties deliverance and restitution, whereof such securitie and assurance had from his Majestie, might be a powerfull and effectuall means.

As we know not whom your *Lordships* mean, when you speak of such as had Warrant from the Parliament of this Kingdoms for accesse

 to

to his Majestie, and yet were debarred: and as no violence nor injurie offered to a publick Minister of another Kingdome can be excused, so we are informed that the Souldiers act in removing once the Earle of *Lautherdale* from *Wooburne*, was not onely disclaimed, but his Lordship often thereafter permitted free accesse to his Majestie.

Your Lordships insist upon three instances of the breach of Treaties, one of the large Treatie, and two other breaches of the Treatie, 1643. As to the first (which for Order sake we begin at) we cannot say that it holds forth any convincing cleernesse to us; yea so far as we understand, the thing whereunto the Kingdom of *England* was bound by the Treaty was not insisted upon by the Commissioners of this Kingdom at *London*, but are alternative for assistance against the Rebels by forces or moneys, after which the Parliament of this Kingdom made a desire of assistance by moneys, which the Parliament of *England* promised to take into their Consideration: And seeing your *Lordships* in this same Declaration wave breaches of Treaty in money matters, even where the money was due by Treaty; We hope your *Lordships* will find it the more unexpedient to insist upon the not obtaining of that assistance by moneys against the Rebels, being a way not provided by the Treaty.

Concerning the other two breaches which pitch upon the Treaty, 1643. First, your *Lordships* say, that according to the first Article of that Treaty the Covenant should have been taken by both Kingdoms, but that now by the prevalent party of Sectaries and their adherents, it is not only layd aside in the new Propositions, and no execution of publick orders for taking it throughout the Country, but many in places of trust have never taken it, neither are urged to take it. Certainly such slighting of the Covenant is a great sin against God, and a high contempt of the Covenant: And it is very fit that this Kingdom should desire the Parliament of *England* to press it not only upon persons of trust, but universally on all the subjects of that Kingdom. Secondly, we are not convinced of any just ground of war against that kingdom in that which hath been instanced by your *Lordships*, Especially considering that the *Covenant* was taken by the *Representatives* and other chief Corporations in *England*, whereupon the *General Assembly* and *Parliament* of this Kingdom have frequently mentioned in their Acts, Letters, and Declarations the Union and Conjunction of both Kingdoms by *Solemn Leagues and Covenant*: Neither are we without hopes, if things be carried on in a fair and right way, that the Kingdom of *England* may be brought a further length in the performance of this duty; whereof we

we are the more confident, because of the famous and frequent testimonies given to the Covenant and against the Errors of the time by the Ministry in divers provinces in *England*. As for the last breach which your Lordships conceive to be against the eight Article, 1643. We heartily wish that the joynt way of applications to the King by both Kingdoms once begun had been continued, and do conceive very much prejudice to the Cause by the divided way! Only we offer it to your Lordships further consideration whether this breach be not at least disputable; There being no mention at all in that Article of Proposals, Propositions or Bills, but only of Cessation, Pacification and Agreement for Peace: So that it may justly be doubted whether the sending of those Proposals and Bills to the King without the consent of this Kingdom, hath in it that certainty and clearness of a breach of Treaty, between the Kingdoms, as may be a ground of War. And if it be a breach of the Treaty for either Kingdom singly and dividedly to send Propositions to his Majesty, we shall crave leave that we may desire to be informed how this consisteth with that latitude which your *Lordships* leave afterwards in this same Declaration in the manner of presenting Bills or Acts of Parliament to the King; For your *Lordships* desire assurance of his *Majesty* to agree to such Acts or Bills, *As shall be presented to him by his Parliaments of both or either Kingdoms respective.*

We might also insist upon some Papers and Propositions presented to His Majesty from this Kingdom at *Newcastle*: and much more upon the Pacification concluded there with His Majesty, in reference to the disbanding and removing of the Rebels in this Kingdom, and that in a single way, (as we conceive) without the knowledg and concurrance of the Parliament of *England*.

But we shall come to that which your *Lordships* make the result upon all these breaches of Covenant and Treaties, *viz.* That they call upon your *Lordships* to a duty to God, your King and Country, and to your oppressed brethren in *England*, which your *Lordships* speak more plainly in the next clause, giving us to understand, that those differences or breaches are such, as if not repaired by amicable endeavours, may otherways necessitate this Kingdom to engage in a War. But that first your Lordships intend to send the three desires next mentioned in the Declaration to the *PARLIAMENT* of *ENGLAND*. And this is all the satisfaction we find to our second Desire, which was, That homeding to the *TREATIES* it may be so descended upon, and declared by the *PARLIAMENT*, what are those *BREACHES* of *PEACE* which they take to be

a ground of warre and that reparation thereof may be be sought. But as we see no breach of Peace instanced in the Declaration, and as the three breaches of Treaties insisted upon by your Lordships, seem to be at least debateable, so we hear nothing of any resolution of Parliament be that such breaches as are or shall be condescended upon by your Lordships shall be made known and sent to the Parliament of *England* as we expected and they have desired by their Commissioners here: Onely we hear of three desires to be sent to the Parliament of *England* for Religion, His Majesty, and the good and peace of these Kingdoms: We conceive it is the best and most justifiable way of proceeding, that publick as well as private injuries be declared and made known to those whom it concerneth to give satisfaction therein. Besides all this we fear your Lordships will hardly avoid a National quarrel against the Parliament of *England*, if the three instances before mentioned be insisted upon as breaches of Treaty to inferre a warr; because when the Houses were most free, and when there was no such overswing influence of the Sectaries party, even then they did not suppresse the Irish in this Kingdome, they did not enforce the Covenant on all their officers, much lesse on all English Subjects, neither would they then admit that they were obliged by Treaties not to send propositions or bils to the King without the concurrence of this Kingdome.

In all this that we have said it is far from us to assume any judgement of the Treaties between the Kingdomes; onely because your Lordships have remitted us to the Declaration for satisfaction to our consciences, as in other particulars so in this of the breaches we have humbly represented to your Lordships, wherein we are not clear & satisfied in our consciences to consent and concurre for our part upon such grounds. And withall seeing it is not onely our desire as Messengers of peace, but your Lordships professed resolutions in this Declaration that you will allay all brotherly and amicable wayes of repairing differences and making up breaches, we recommend it to your Lordships serious thoughts whether it will not be most agreeable to that brotherly way of proceeding between two Kingdomes in Covenant together, to desire a Treaty of the Parliament of *England* concerning the breaches and demands mentioned in this your Declaration, especially seeing the way of Treatie was the way thought fit to be used in the years 1640 and 1645 before the Kingdomes were joyned in Covenant; how much more now being enjoyned are all possible and lawfull wayes to be tryed for preventing the effusion of more bloode?

In your first demand which concerneth Religion there are some things wherewith we cannot in our consciences be satisfied, as namely, 1. because the first two particulars therein contained, viz. concerning the ruling of

the Covenant, and practising of the Directory of worship are pressed onely upon Subjects, which may be interpreted as tending to exempt the Kings Majesty not onely from the taking the Covenant which yet was laudably desired in the propositions of both Kingdomes, but from having the Directory of worship practised in his family, which was a liberty that His Majesty reserved to himself in his late concessions sent to us, and in divers messages before sent to the Houses of Parliament at *Westminster*. 2. We find nothing in this demand of any application to be made at or about the same time to the King, for obtaining allowance from his Majesty for his Royall consent; but of this we have expressed our selves more fully in answer to your Lordships Papers of the 20 of this moneth. 3. Although this is the second time your Lordships cite in this Declaration a passage of the joynt Declarations of both Kingdomes, by which all who would not take the Covenant were declared to be publick enemies to religion and country, and that they are to be censured and punished as professed adversaries, and yet we find no such thing declared or resolved by your Lordships in this Declaration in reference to those who have not this to day taken the Covenant, as that you will hold them all for professed Adversaries and Malignants; We hope your Lordships will not think it just nor equal to presse such a rule upon the Parliament of *England*, except your Lordships be pleased to walk according to that rule your selves. 4. Your Lordships do simply and absolutely desire that the confession of faith transmitted from the Assembly of Divines at *Westminster* to the Houses be approven, whereas the act of the last Generall Assembly approving that Confession of faith hath in it some necessary cautions, provisoes, and explanations, which as the generall assembly judge it necessary to be added in their act, so wee doe not think that part of your Lordships demand as it stands without any such caution to be safe enough; Which among other things shewes the danger and inconvenience of your Lordships, taking resolution in things concerning Religion without our advise and consent. 5. And We desire that Reformation of and uniformity in Religion may be endeavoured by your Lordships in all fair, lawfull and brotherly wayes according to the Covenant, and heartily approve any such desires as your Lordships shall send to the Parliament of *England* by the advice and consent of this Kirk, for enjoyning the Covenant and for bringing the Churches of Christ in the three Kingdomes to the nearest conjunction and uniformity in one Confession of faith, Directory of worship and Presbyteriall Government, so we would be very cautious and tender when such desires are turned into causes of warre, if not obtained, which is the present case as we understand by your Lordships expression in the precedent paraphrase.

Your

Your Lordships second demand is, *That the Kings Majestymay come to some of his Houses in or neer London with honour, freedome, and safety, that Applications may be made to him by the Parliaments of both Kingdoms, for obtaining his Royall assent to such desires as shall be by them presented to him for establishing Religion as is above expreſt, and setling a Well grounded Peace.*

This demand wee conceive to be of dangerous consequence to Religion and the Covenant for the reasons and considerations following, which we humbly offer to be considered by your Lordships: 1. All applications and desires to his Majestie for Religion are suspended till he come with honour, freedom and safety to some of his Houses in or neer *London*; wee know not what length of time this may draw to, or how much danger there may be in the delay. 2. The establishment of Religion here mentioned as that which your Lordships intend to desire of his Majesty, is according to that which is above expressed, where wee doubt not your Lordships referre to your first demand which went before; whereas the establishing of Religion in such a manner as is there expressed, wee do not think safe for the reasons before given. 3. Wee conceive that this second demand amounts to no lesse then the restitution of his Majesty to the exercise of his Royall power before applications made, and desires presented to him; much more before assurance or security had from him for the setling of Religion in a right manner, and according to the Covenant. For besides what we have expressed in our last Papers presented to your Lordships, that this Honour, Freedom, and Safety is conceived by your Lordships to be such as may enable his Majestie to effectuate his concessions concerning Religion: And what is that lesse then the exercise of his royall power restored? This we further add, that we humbly conceive his Majesties power may comprehend, or may be made use of as comprehending not onely the possession of his Revenues, but also the exercise of his Royall Government. Next, being in freedom, he may repair to any part of his Dominions of *Scotland*, *England*, or *Ireland*: And lastly, being restored to be in a condition of Safety, he may provide forces for guarding himself against all apprehended dangers; for if guards should be set about him by his Parliament, it will be said to be contrary to the condition of freedom: So that being restored to some of his Houses in or neer *London* with Honour, Freedom and Safety, wee do not conceive what hee shall want of the exercise of his Royall Power; considering withall, that neither himself nor many others will conceive the Honour, Freedom and Safety to be Kingly, and such as becomes his Royall

Person, if he shall want the exercise of his Royall Power? Yet this restitution of his Majestie to the exercise of his Royall power before security had from him for setling Religion, your Lordships know by our eight Desires, and other wayes, is conceived by us to be inconsistent with the safety and security of Religion. 4. If his Majestie were once come with Honour, Freedom and Safety to some of his Houses in or neer *London*, wee know not what influences he may have upon the Houses of Parliament, to overturne and hinder their pressing of Bills to him for enjoyning the Covenant, abolishing Prelacy, and the Book of Common Prayer, establishing the Confession of Faith, Directory of Worship, and Presbyteriall Government, or what strength his Majestie so restored might again attain by the assistance of the Popish, Prelaticall, and Malignant party for a new and bloody Warre, to the devastation of these Kingdoms, and the ruine of our Religion and Liberties. Which things we have the more cause to fear and apprehend, his Majestie having declared and professed, that he is obliged in conscience to improve all the power which God shall put in his hands for the establishment of Episcopacy. 5. To insist upon the bringing of his Majesty to some of his Houses in or neer *London*, before satisfaction and security had from him in point of Religion, and in such other things as are necessary for the safety of the Kingdoms, could not (as wee conceive) but be an exceeding great discouragement and offence to the Presbyterians in *England*, who will conceive (if such a thing shall be pressed upon them) that the remedy propounded in your demand is worse then the disease. And we have also heard that the Parliament of England, when they were as free as ever they were, would never agree to his Majesties coming to London, with honour, freedom and safety, without security first had from him in such things as are necessary for Religion and the safety of the Kingdom. 6 Seeing your Lordships are obliged by the third Article of the Covenant, to defend his Majesties Person, and authority in the preservation and defence of the true Religion and Liberties of the Kingdoms, we conceive your Lordships should not demand from nor presse upon the Kingdom of England, his Majesties restitution with freedom honour and safety, except with that qualification in the Covenant, and with a subordination to Religion, and the Liberties of the Kingdoms. And how can this subordination according to the Covenant be said to be observed in your Lordships demand as it stands? for if his Majestie be brought to some of his Houses in or neer London with honour, freedome, and safety, before so much as applications be made to him for establishing Religion and Peace, wee

then

then leave it to your Lordships consciences whether his Majestie shall not be restored to his honour before Jesus Christ be restored to his honour, and set upon his throne of Government in his Church: Whether his Majestie shall not be in a condition of liberty before the Ordinances of Christ have a free course: and whether his Majesties safety shall not be provided for and secured before either Church or Kingdom can say they are in a condition of safety: And is this to endeavour the setling of Religion before all worldly interests? or rather to make it come after the Kings Interest? 7. Wee fear, that if after so many Instructions from the Parliament, Convention, and Committee of Estates to their Commissioners at *London* from time to time, for endeavouring in the first place the settlement of Religion, and then to endeavour the removing of the civill differences, and the restitution of the King upon his first giving satisfaction in Religion, and the grounds of a solid Peace: And if after it was declared by this Kingdom (during his Majesties being at *Newcastle*) that they could not admit of his Majesties coming to *Scotland* in freedom, unlesse his Majesty granted the Propositions concerning the Covenant, and Religion, and gave a satisfactory answer to the rest of the Propositions: Likewise, If after such a Declaration of the Parliament of this Kingdom *Jan.* 16. 1647. for his Majesties being in some of his houses with such attendance as the two Houses should think fit, until he gave satisfaction in the Propositions; If after all this it be now insisted upon, that his Majesty may be restored with honour, freedom and safety, before such satisfaction had from him, we fear it shall lie as a great scandal upon this Kingdom, and as too sensible and apparent a change of their former principles and professions in a point so much concerning the security of Religion. 8. We are very apprehensive, that your Lordships urging the disposall of the Kings person in *England* in such a way, as that he may come to *London* with honour, freedom, and safety, without his Majesties giving, or your Lordships desiring his Majesty to give satisfaction and security in Religion, and in such things as belong to the safety of the Kingd. (without which there can be no lasting security expected to Religion) as it is a far different point from the urging of our joynt interest in the disposing of the Kings person by both Kingdoms for the good of both; so it will be judged by most of all parties in *England* that ever concurred in this Cause, to be so prejudiciall

diciall to their nationall rights and liberties, and such an incroaching thereupon (though your Lordships declare you have no such intention) as that it will unite them all in opposition to this Kingdom, and consequently alienate them from the intended uniformity in Religion according to the Covenant. As these reasons make us conceive your Lordships second demand to import no small danger to Religion; so wee would not be understood as if we had any thoughts to decline the restoring of his Majesty to the same condition he was in by the agreement of both Kingdoms, when he was taken away by a party of the Army under the Command of Sir *Thomas Fairfax*, that both Kingdoms may freely make their applications to him.

Concerning your Lordships third demand, That the present Armie of Sectaries may be disbanded for the ends expresst in the Demand; as we think no persons whatsoever fit to be imployed or intrusted in the Armies of either Kingdom, who have not taken the Covenant, and that all Sectaries in *England* in arms should be disbanded and disarmed; so we conceive also there is reason for your Lordships to foresee and provide against the danger of the rising again of the Popish, Prelaticall, and malignant party in arms; and the rather, because of the late commotions begun by some of them both in *England* and *Ireland*; there being also some both in *Wales* and *Ireland* actually in arms, who have discovered and declared their principles and ends to be very malignant; wherein we are informed they are the more animated and incouraged upon confidence of some agreement between his Majesty and this Kingdom. It is further to be considered, that this demand being joyned with the second, the present Army in *England* disbanded, and his Majesty brought to *London* with honour, freedom and safety, how easily may all the Malignants, Popish and Prelatical party in his Majesties Dominions flock unto him? which how prejudicial it may be, his Majesty keeping still his principles, is easie to be judged.

So for the exceptions added in your Lordships demand to passe the ambiguity thereof, your Lordships except from the said disbanding the Garisons necessary to be kept up in *England*, and desire that these Garisons may be commanded by such as have or shall take the Covenant, and are well affected to Religion and Government, but do not desire any such thing concerning the Garisons themselves; which may be understood as a ta-

a tacite conteſſion on your part, that all the Gariſons to be kept in *England* may be of ſuch as have not taken, nor ſhall take the Covenant, nor are well affected to Religion and Government: Provided that thoſe Gariſons be commanded by ſuch as your Lordſhips deſcribe.

We have but one point more to adde concerning this third and laſt demand; For we cannot conceal our feare and apprehenſions that your preſent reſolutions and proceedings, and the entertainment of Engliſh Souldeirs, whereof many are Papiſts and malignants, and ſome eminent in Malignancy, is not the way to further but to retard and hinder the disbanding of of the preſent Army in *England*, and to fruſtrate the ends your Lordſhips propoſe in your Declaration for the disbanding of that Army.

And whereas your Lordſhips declare that it is not your intention at all to make a Nationall ingagement againſt the Parliament and Kingdome of *England*, but for them, as we ſhall not preſume to ſpeak of the Nationall Rights and Priviledges of another Kingdome, ſo we cannot ſee how the Principles of your Lordſhips Declaration can conſiſt with the firſt part of our third deſire which was that there may be no ſuch quarrel or ground of the warre as may break the union between the Kingdomes; for we conceive there are divers ſuch quarrels in the Declaration as fall directly and neceſſarily upon the Votes and Proceedings of the Houſes of Parliament even when they were moſt free.

Concerning that which your Lordſhips adde in reference to the latter part of our third deſire, and to our whole fourth deſire; we humbly conceive it is very far ſhort of that which is no leſſe your Lordſhips duty then our deſire. For 1. Your Lordſhips onely declare againſt aſſociations and conjunction of Forces with thoſe who ſhall refuſe to ſwear and ſubſcribe the Covenant, which does not exclude Aſſociation of Forces with ſuch as neither have taken nor ſhall take the Covenant, ſo that they be not urged thereto and ſo not reckoned among refuſers.

This we have the more reaſon to take notice of, becauſe your Lordſhips have before in the ſame Declaration complained that there is no urging of the Covenant in *England*, nor no execution

cution of publick order for taking of the same. Which being so, how shall your Lordships find the Malignants in *England* to be refusers of the Covenant, except your Lordships enforce it upon them, which we suppose your Lordships intend not to do? 2. Your Lordships do not declare that if any who have not taken and shall not take the Covenant, nay not so much as they that shall refuse the Covenant, if they shall rise in arms, your Lordships will oppose them and endeavour to suppresse them; onely your Lordships say you will not associate nor joyn Forces with them. 3. Whereas your Lordships say, *that you will be so far from joyning or associating with the Popish, Prelaticall or malignant party, if they shall again rise in arms either to oppose or obstruct all or any one of the ends of the Covenant, that you will oppose and endeavour to suppresse them as enemies to the cause and Covenant*; we beseech your Lordships to consider, whether this part of your Lordships Declaration does not reserve a latitude that if the Popish Prelaticall or malignant party shall rise in arms for the Kings restitution and can but have so much cunning (which is more then probable) as to conceal their intentions of obstructing or opposing all or any one of the ends of the Covenant, in such a case it may be free to your Lordships instead of opposing them or endeavouring to suppresse them, that you shall both protect their persons and Estates, and also joyn or associate Forces with them. In all which we have the more cause to be full of feares and apprehensions, because of so many English Malignants even now protected and entertained in this Kingdome in hopes of Military employments, yea divers of them (as we are informed) such as have served against this cause and Covenant.

As to that which follows relating to our seventh Desire concerning such as are to be trusted in Armies & Committies, we shall need to say no more then was expressed in our humble Representation *March* 29. Namely that your Lordships omit in your answer some of the qualifications expressed in our desire, *viz.* such as have given constant proof of their integrity and faithfulnesse in this cause, and against whom there is no just cause of jealousie, that so we may the more confidently incourage our flocks to follow the cause of God in their hands and not to doubt of their fidelity. Which qualifications being contained in our desires and omitted in your Lordships answer we are not without fear,

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That this omission may be made use of by some, as if your Lordships had not meant to agree fully to that Desire, and so take occasion to deale for employing and entrusting such in the Committies and Armies, as may be justly excluded by the qualifications conceived in our said Desire.

These things having been before represented to your Lordships, and there being nothing in your Lordships Declarations to satisfie, or take off these our teares; but such expressions insisted upon, as keep aloof from the qualifications desired by us; all that are unbiassed may easily judge whether we have not herein some reall ground to be unsatisfied.

That which followeth in the Declaration, concerning the rescuing of his Majesties Person, *That he may come with honour, freedom and safety to, or neare* London, *where both Kingdomes may make their applications to him, for settling Religion and peace*, we have before spoken fully to it: And whereas you adde a kind of salve in satisfaction to our first and sixth Desires; it will plainly appeare, that these Desires are not satisfied by any thing here expresst in your Lordships Declaration; your Lordships say, you resolve not to put in his Majesties hands, or in any others whatsoever any such power, whereby any of the ends of the *Covenant* may be obstruct or opposed: But may it please your Lordsh. to give us leave to put you in mind:

1. That your Lordsh. words may be understood either in this sense, That you are not resolved to put any such Power in his Majesties hands; And if your Lordships know what you resolve so, not now, you may resolve afterwards; or in this sense, that your Lordships are resolved that you shall put no such Power in his Majesties hands; And if so, then there remaines some doubt how farre that Power extends, which your Lordships conceive shall not be able to obstruct or oppose any of the ends of the *Covenant*, or endanger Religion and Presbyteriall Government; Or whether it be meant to be extended to his Majesties negative voyce.

2. When your Lordships say, that you are not resolved to put any such Power in his Majesties hands; This needeth not hinder your Lordships yeelding and acquiescing, if others put such Power in his Majesties hands; for resolutions not to doe a thing, may stand with resolutions not to hinder it.

3. When your Lordships have resolved to oppose the putting of any such Power in his Majesties hand, as may be destructive to Religion; yet upon such supposition, that his Majesty is come to *London* with Honour, Freedom & safety; we doubt whether it may not prove impossible to your Lordships to hinder the putting of such a Power in his Majesties hands.

Your Lordships adde what assurance you intend to crave from his

Majesty, for satisfaction in point of Religion: But withall, we observe three Limitations, or Qualifications, joyned therewith, which (so farre as we are able to judge,) leave this great point in a very dangerous uncertainty. First, your Lordships resolve that his Majesty give this assurance for Religion *before any agreement or condition to be made with his Majesty*: which is the expression chosen by your Lordships, instead of that Clause in our sixth Desire, *before his restitution to the Exercise of his Royall Power*. If your Lordships expression were only a more smooth one, with the like security to Religion (such as your Lordships Answer *March* 27. did put us in hopes of) we should have chearfully acquiesced: But we are so farre from perceiving the like security to Religion, that we rather feare your Lordships Qualification may make void and frustrate the security that we desired: For first, it clearely supposeth that his Majesty shall come with Honour, Freedome and Safety to *London*, before any agreement or condition to be made with him; for such agreement or condition to be made with his Majesty, being posteriour to the assurance to be had from him for Religion, must be much more posteriour to his Majesties comming to or neare *London*, with Honour, Freedome and Safety; according to the method of proceedings proposed in the Declaration: Now being once at *London* with Honour, Freedome and Safety, and that without any agreement or condition made with him; It is not probable to us, that his Majesty will then desire any agreement or condition; unlesse it be for some concessions on his Parliaments part, and among other concessions probably, somewhat for *Episcopacy* too, for establishing whereof, he conceives himselfe obliged in conscience to make use of his Power, as was before observed. The result of this point is, that we humbly conceive, That notwithstanding of that Clause, *before any agreement or condition to be made with his Majesty*; or any thing else in the Declaration, his Majesty may be restored to the exercise of his Royall Power, before security had from him for Religion as we desired.

The next Qualification added by your Lordships immediatly, is in these words, *Having found his late Concessions and Offers concerning Religion not Satisfactory*: Where first the words *Having found*, may be variously understood, either *when his Majesty shall have found*, or, *when your Lordships shall have found*, or, *because his Majesty hath found*, or, *because your Lordships have found*. Next the words *not Satisfactory* are as doubtfull, and may be interpreted in severall senses, either that his Majesties late Concessions and Offers concerning Religion, *are not Satisfactory in themselves*, or, *that they are neither Satisfactory to your Lordships nor to us*, or

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the meaning may be only *that they are not satisfactory to us*; Which doubtfulnesse in the sense of the words, we have so much the more cause to observe; Because your Lordships have not hitherto returned us any clear or positive Answer to our first Desire, *That his Majesties late Concessions and Offert concerning Religion as they have been by the Church so may be by the Parliament declared unsatisfactory*; Only your Lordships are pleased here to make a light transition over that which we conceived to be unto us a grave subject of a Solemne Declaration.

The third Qualification in the assurance to be required from his Majesty, is, that he shall agree to such Act or Acts of Parliament and Bills, as shall be presented to him, by his Parliaments of both or either Kingdomes respectively, for enjoyning the Covenant, and establishing Presbyteriall Government, Directory of Worship, and Confession of Faith in all his Majesties Dominions. But we humbly conceive it were more for the glory of God, good of Religion, and his Majesties own happinesse, that his Majesty should after the examples of the godly reforming Kings of *Judah*, and of the best Christian Emperours of old in the Christian Church, declare his opinion, own zeale, and forwardnesse for the Reformation and setling Religion; and that your Lordships should doe well to sollicite and incite his Majesty hereunto, rather then to seem to yeeld so farre, as that his Majesty shall be free for his Parliaments of both or either Kingdomes respectively agree what Acts or Bils to present to him, the preparing and presenting whereof, how much it may be retarded and obstructed by the prevalency, both of Malignants and Sectaries, we know not: Seeing therefore his Majesty oweth a duty both to God and his people for the Reformation and settlement of Religion; Your Lordships may do better to sollicite his Majesty, and to desire that he will positively declare himselfe willing and ready for his part, and for that duty which is incumbent to his Majesty, and that he give assurance for the same in the particulars.

Your Lordships further declare, in reference to our eighth and last Desire, *That you are willing to subjoyn to the grounds of your undertaking an Oath, wherein both in the framing thereof, and otherwayes your Lordships are willing the Church shall have their due interest, as formerly in the like cases*: Where, as we know not how farre your Lordships meaning doth reach in the word, *otherwayes*, and in the word *due*, so we know not why your Lordships did not think fit to agree to our Desire, as it was conceived, and as the words stood, *viz. That there be no Engagement without a Solemne Oath, wherein the Kirk may have the same interest, which they*

had in the Solemne League and Covenant; which desire is so far unsatisfied, that for our interest in the matter of the Oath, and in the grounds of the undertaking, we do not see it allowed or preserved to us, but rather that the Declaration holdeth forth the grounds of the undertaking already resolved upon by your Lordships, only leaving us an Interest in the forme of an Oath to be subjoyned, and not without some uncertaine and dubious qualifications as hath been touched: meane while we see only a Declaration without an Oath. And as Declarations are alterable by Parliament, and their proceedings sometimes not agreeable to their Declarations (which the experience of these times hath taught us) so if there were an Oath subjoyned to the grounds of undertaking expressed in their Declaration, we could not account it a lawfull Oath, but that it would make the businesse worse.

Your Lordships add somewhat further relating *to the matter of our first and second desires, namely, that your Lordships are resolved not to engage in any warre before the necessity and lawfulnesse thereof be cleered, so as all who are well affected, may be satisfied therewith, and that reparation to such breaches and injuries as are and shal be condescended upon shal be demanded in such a just and fit way as shall be found most lawfull and expedient.* This clause, as likewise that which followes, that many of the danger, with the grounds and resolutions, are by this Declaration of your Lordships made known to this Kingdome, seems to hold us in suspense, till all the dangers, grounds and resolutions be made known, and till the lawfulnesse and necessity of warre be cleered, and the way of seeking reparation resolved upon. Yet your Lordships may be pleased to remember, that in that part of your answer unto us of the 20, which is a return to our desire of knowing fully your Lordships resolutions, and being satisfied on the whole matter, we were remitted to the Declaration, as containing the grounds and resolutions of the Parliament on the whole matter.

As to that which followes concerning a *present putting of the Countrey in a posture of Defence as in anno* 1643, we should be glad it were made to appeare really that the Grounds, Principles, and Ends were the same now, they were in the year 1643; otherwise the like act upon different Grounds and for different Ends, makes it not the same Cause. Your Lordships doe indeed speak of the Principles expresst in the Declaration as the same with the first Principles conteyned in our *Nationall Covenant*, and in the *Solemn League* and *Covenant*: but what reason we have to conceive they are new and different Principles, may appeare by the severall particulars before mentioned. We cannot here passe a new interpretation which the

Declaration

Declaration puts upon the *Solemn League* and *Covenant*, viz. *That we did solemnly swear and promise before God and his Angels, to endeavour Reformation of and Vniformity in Religion and Church Government in all his Majesties Dominions according to the word God, and the example of the best Reformed Churches*: Where we passe your Lordships limiting and restricting of Vniformity more then the Covenant doth, which may inferre that Vniformity in Church Government between the Churches of Christ in these three Covenanted Kingdomes is not to be urged in any other manner or measure then we have a president of in other Reformed Kirks. But that which here we chiefly aym at, is the following clause of the Declaration, *viz. And not only to the uttermost of our power with our meanes and lives to stand to the defence of our dread Soveraign his person and authority in the preservation of the true Religion and Liberties of the Kingdome; but also in every cause which may concern his Majesties Honour, to concurre according to the Lawes of this Kingdome, a duty of good subjects.* Yet your Lordships know that no such interpretation hath been made by the Assemblyes of the Kirk, of the Solemn League and Covenant, as your Lordships are pleased here to make of it. If it be sayd your Lordships meaning was only of our Nationall Covenant, yet it may bee observed withall, that the plain and grammaticall constructions of the words will carry that interpretation either upon the Solemn League and Covenant only, or upon our Nationall Covenant only, or upon both: however although our Nationall Covenant only were here fixed upon, concerning which there is such an expression in the Supplication of the Generall Assembly *Anno* 1639. to his Majesties Commissioners and the Lords of Secret Councell; yet there are foure weighty considerations wee humbly offer against the application of that Supplication of the Assembly to the present businesse: For first; his Majesty was that time giving satisfaction to the publique Desires of this Kirk concerning Religion; wee heartily wish wee might say the like now. Secondly, wee doe not see that the Cause stated in the Declaration, to bee for his Majesties Honour, and so to fall within that duty expressed in the Supplication of the Generall Assembly. And as one of the ends of the Covenant was his Majesties Honour and Happinesse, and your Lordships also have acknowledged in your Oath of Parliament that the Honour, greatnesse and happinesse of the Kings Majesty, doth depend on the purity of Religion, as it is now established in this Kingdome; So whatsoever crosseth or prejudiceth the grounds of the Covenant, or any of the ends thereof, cannot with us finde any such commendation, as to be a cause which concerneth his Majesties Honour. 3. Whatsoever we owe to the King in Civill matters distinct from the

cause of Religion, sure all those other duties are with a subordination to the glory of God and good of Religion; and we are very confident it was and will be farre from the thoughts of the Generall Assemblie, under colour of his Majesties Honour to concurre with him, or any in his name, in a cause which is hurtfull and prejudiciall to the good of Religion, and to the other Ends of the Solemne League and Covenant; yet the cause stated in the Declaration, we humbly conceive to be such. 4. It may be remembred that the croose Petition, having cited the same Clause of the said Petition of the Generall Assemblie, and making use thereof in order to engagement in Warre in his Majesties quarrell against the Parliament of *England*, was declared against by the Commission of the Generall Assemblie, *Anno* 1643. And among other particulars, it was then declared that the limitations expresly mentioned in the words cited out of the Assemblies Supplication, *viz. According to the Lawes of this Kingdome and duty of good Subjects*, were interpreted by some that spake at the time in the Generall Assemblie to be all one, as if it had been said, *Within this Kingdome*, We not knowing of any Lawes of this Kingdome of further extent: It was also then observed, and may be well applyed and remembred, that the Nationall Covenant having been subscribed in the yeare 1581 and 1590. before King *James* was King of *England*, and being qualified in the particular heads and Articles, by expresse limitations and restrictions to this Kirk and Kingdome, to the Religion, Lawes, and Liberties of *Scotland*; can no more be extented to Municipall debates, and to the Laws and Liberties of *England*, unto which we are strangers, then the Kingdome of *England* can judge of our Lawes, and determine our differences; the two Kingdomes being still independent each on other, and not subordinate unto another, as the first Article of the large Treaty fully declareth.

As to that we finde in the close of the Declaration, that this Kingdom of *Scotland* will now make it evident, as they have often declared, that their quietnesse, stability, and happinesse doth depend upon the safety of the Kings Majesties person, and maintenance of his greatnesse and royall authority, who is Gods *Vice-gerent* set over us for maintenance of Religion, and ministration of Justice: Wee shall only put your Lordships in minde, that your Nationall Covenant joyneth with his Majesties safety, his good behaviour in his Office: and saith, *That the quietnesse and stability of our Religion and Kirk, doth depend upon the safety and good behaviour of the* Kings *Majestie, as upon a comfortable instrument of Gods mercy granted to this Country, for the maintenance of his Kirk, and ministration*

stration of Justice. Otherwise if a King doe not his duty for the maintenance of the true Religion, and administration of Justice, it is not his safety alone that makes his people to be in quietnesse and happinesse. Withall as our quiet and happinesse depend upon his Majestie and his doing of his duty as an Instrument and Minister of God for good, so the honour, greatnesse, and happinesse of the Kings royall Majesty, and the welfare of the Subjects depend on the purity of Religion, as is well expressed in your Lordships Oath of Parliament.

And now we shall with your Lordships favour and permission, make this conclusion upon the whole matter, that as we neither were, nor are against an engagement of this Kingdom in Warr, but have been, and shall be willing to consent thereto, if once satisfied in our consciences, concerning the clearnesse, lawfulnesse, and necessity of the cause and quarrell; and concerning our calling, manner of proceeding, instruments to be intrusted, security to be had to Religion, and other particulars contained in our former Papers not yet satisfied by your Lordships; So we are necessitated to professe and declare to your Lordships, that we cannot, we dare not in our consciences agree to any engagement upon such grounds, and in such a way as is stated in your Lordships Declaration; And therefore for our exoneration do dissent from the whole complex businesse in the said Declaration, as not containing clear and convincing grounds of undertaking a War, nor providing for the security of Religion, nor clearly disclaiming his Majesties late concessions and offers as unsatisfactory, not tending to the suppression of the malignant party, but rather to compliance with them as we humbly conceive, nor preserving the liberties and known interest of the Kirk, nor proposing the way of Treaties and all other possible wayes of peace to be sought and essayed before a War. For which reasons and other before mentioned upon the particular heads of the Declaration, we plainly declare our dissent from the complex circumstantiat state of the present businesse contayned in the foyd Declaration, and take to witnesse God, Angels, and men, that your Lordships have not wanted warning from the Watchmen: and that we shall be free of all the distractions, confusions, miseries, and blood which may follow upon your Lordships proceeding to an engagement in warre upon the grounds of the Declaration. We further call to record the Searcher of all hearts, and the righteous Iudge of all the world, that our not concurring proceedeth not from want of zeale against Sectaries, nor from any remissnesse in that which may concern his Majesties true Honour and Happinesse, and the preservation of Monarchicall Government in him and his posterity; nor from

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any want of the tenderneſſe of the Priviledges of Parliament, nor from any want of ſympathy with our afflicted and oppreſſed brethren in *England*, in reference to all which, our proceedings have been and ſhall be (we truſt) reall teſtimonies of our affection and ſincerity. But our not concurring, proceedeth meerly from tenderneſſe in the point of the ſecurity of Religion, and the Union betwen the Kingdoms, and from the unſatisfactorineſſe of the grounds of your Lordſhips Declaration as have been expreſſed in the particular. Wherefore we humbly beſeech your Lordſhips to interpret favourably and charitably any Liberties which we have uſed (the matter being ſuch as lyeth ſad and weighty upon our conſciences.) And that your Lordſhips would alſo be pleaſed to be mindfull of making good that paſſage of your Declaration, where you ſay, that you are reſolved not to engage in any Warre before the neceſſity and lawfulneſſe thereof be cleared, ſo as all who are well affected, may be ſatisfied therewith; which if your Lordſhips ſhall be pleaſed to do, there is a doore of hope yet open, and we ſhall not ceaſe to pray unto the Lord (as he ſhall aſſiſt us) that a ſpirit of Counſell and underſtanding and of the feare of the Lord may be upon you, and that God would graciouſly rid both your Lordſhips and us out of all hid and lurking Snares, and ſo guide your Lordſhips, as that there may be yet a ſweet and harmonious joyning of hearts and hands upon right, Principles grounds and motives, in a right away, and for the right Ends.

Subſcribitur A. Ker.

FINIS.